



**CITY OF LODI
COUNCIL COMMUNICATION**

AGENDA TITLE: Adopt a Resolution Approving Lease Extension to Lodi Adopt-A-Child for 100 East Pine Street, and authorize the City Manager to execute the Agreement on behalf of the City of Lodi.

MEETING DATE: August 5, 2009

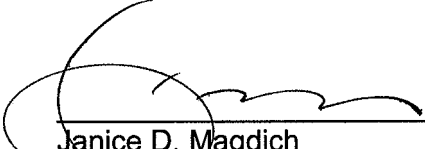
PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: Adopt a Resolution Approving Extension of Lease to Lodi-Adopt-A-Child for 100 East Pine Street, and further authorize the City Manager to execute the agreement on behalf of the City of Lodi.

BACKGROUND INFORMATION: The City entered into a lease with the Lodi Adopt-A-Child Foundation on May 28, 2002, for the property located at 100 East Pine Street. The lease expires in May 2012. Lodi Adopt-A-Child now desires to extend the lease term for an additional eight years to May 28, 2020. In exchange for Council's approval of the extension, Lodi Adopt-A-Child, at its sole cost and expense, will repave the parking lot located on the property.


FUNDING AVAILABLE: N/A

FISCAL IMPACT: N/A



Janice D. Magdich
Deputy City Attorney

APPROVED:



Blair King, City Manager

FIRST AMENDMENT TO LEASE AGREEMENT
FOR USE OF CITY BUILDING
LOCATED AT 100 EAST PINE STREET, LODI, CALIFORNIA
BY
LODI ADOPT-A-CHILD, A NON-PROFIT 501(C) 3
COMMUNITY-BASED ORGANIZATION

THIS FIRST AMENDMENT TO LEASE AGREEMENT FOR USE OF CITY BUILDING LOCATED AT 100 EAST PINE STREET, LODI, CALIFORNIA, is made and entered into this ____ day of _____, 2009, by and between the CITY OF LODI, a municipal corporation, hereinafter called "Owner", and LODI ADOPT-A-CHILD FOUNDATION, a non-profit 501(c)3 community-based organization, hereinafter called "Lessee."

BACKGROUND:

1. Lessee and Owner entered into a Lease dated May 28, 2002 concerning property owned by the City of Lodi and located at 100 East Pine Street, Lodi, California ("Lease") for the operation of the Lodi Adopt-A-Child.
2. Lessee desires to extend the lease term for an additional eight (8) years.
3. Accordingly, the parties have entered into this First Amendment to Lease Agreement on the terms and conditions set forth below.

AGREEMENT:

NOW THEREFORE the parties agree as follows:

1. Lessee, at its sole cost and expense, will re-pave the parking lot located at 100 East Pine Street, Lodi, California, in exchange for Owner granting an 8-year extension of the term of the Lease, the extended term being May 28, 2012 through May 28, 2020.
2. Paragraph 3 of the Lease is amended as follows:
 3. TERM: The term of this Agreement shall be from May 28, 2002 through and including May 28, 2020. Lease may be extended by mutual agreement, and with City Council approval, for an additional term to be determined by Council.
3. **AFFIRMATION OF REMAINING TERMS.** All other terms of the Lease shall remain in full force and effect except to the extent they conflict with this Amendment.

IN WITNESS WHEREOF, Owner and Lessee have executed this Amendment on the date and year first above written.

CITY OF LODI, a municipal corporation
hereinafter called "Owner"

LODI ADOPT-A-CHILD FOUNDATION, a
nonprofit 501(c)3 community based organization
hereinafter called "Lessee"

By: _____
BLAIR KING, City Manager

By: _____
JERRY GLENN, Executive, Director

Attest:

RANDI JOHL, City Clerk

Approved as to Form:



JANICE D. MAGDICH, Deputy City Attorney

RESOLUTION NO. 2009-105

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING LEASE EXTENSION TO LODI ADOPT-A-
CHILD FOR 100 EAST PINE STREET, AND FURTHER
AUTHORIZING THE CITY MANAGER TO EXECUTE
THE AMENDMENT TO THE LEASE AGREEMENT ON
BEHALF OF THE CITY OF LODI

=====

WHEREAS, the City entered into a lease with the Lodi Adopt-A-Child Foundation on May 28, 2002, for the property located at 100 East Pine Street, which expires in May 2012; and

WHEREAS, Lodi Adopt-A-Child now desires to extend the lease term for an additional eight years to May 28, 2020, and in exchange for Council's approval of the extension, Lodi Adopt-A-Child, at its sole cost and expense, will re-pave the parking lot located on the property.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve a Lease Extension to Lodi Adopt-A-Child for 100 East Pine Street, Lodi, California, for an additional eight years; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Amendment to the Lease Agreement on behalf of the City of Lodi.

Dated: August 5, 2009

=====

I hereby certify that Resolution No. 2009-105 was passed and adopted by the City Council of the City of Lodi in a regular meeting held August 5, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, Mounce,
and Mayor Hansen

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


RANDI JOHL
City Clerk